

LEGAL ETHICS AND PROFESSIONALISM

BRIDGE NUMBER 3

Organizing Committee:

Hon. Robert Armstrong

Hon. Stephen Goudge

Doug Harris

Hon. Joan Lax

Trudo Lemmens

February 2004

**Faculty of Law
University of Toronto**

**These materials are intended for the sole educational use of students at the
University of Toronto's Faculty of Law**

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UNIVERSITY OF TORONTO

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PROGRAMME

Monday, February 9 , 2004

2:30 pm to 2:45 pm Welcome and Introduction : Professor Trudo Lemmens

2:45 pm to 5:00 pm The Legal Profession: Past, Present, Future

Chair: Justice Stephen Goudge (Ontario Court of Appeal)

Speakers: Christopher Moore (Historian, Author of *The Law Society of Upper Canada and Ontario's Lawyers 1797-1997*)
Frank Marrocco Q.C. (Treasurer of the Law Society of Upper Canada and Partner, Gowlings LLP.)
Justice Rosalie Abella (Ontario Court of Appeal)

Tuesday, February 10, 2004

10:00 am to 12:00 noon Ethical Challenges in a Diverse Profession

Chair: Justice Stephen Goudge (Ontario Court of Appeal)

Speakers: Alan D. Gold (Criminal Trial and Appellate Counsel, Gold and Associates, Past President, Criminal Lawyers Association)
Stephen Grant (Partner, McCarthy Tétrault LLP.)
Clay Horner (Partner, Oslers LLP.)
Sheila Block (Partner, Torys LLP.)

1:30 pm to 3:30 pm Responsibility to Clients and Access to Justice

Chair: Justice Robert Armstrong (Ontario Court of Appeal)

Speakers: Edward Greenspan Q.C. (Criminal Trial and Appellate Counsel, Greenspan White)
Professor Alan Hutchinson (Osgoode Hall Law School, author of *Lawyers and Ethics: Professional Responsibility and Discipline*).

Wednesday, February 11, 2004

10:00 am to 12:00 noon Lawyers' Responsibility to Society

Chair: Professor Trudo Lemmens (Faculty of Law, University of Toronto)

Speakers: Judith McCormack (Executive Director, Downtown Legal Services)
Lenny Abramowicz (Executive Director, Association of Community Legal Clinics of Ontario)
Paul Schabas (Partner, Blakes LLP. and Vice-President of Pro Bono Law Ontario)

2:00 pm to 4:00 pm Rules of Professional Conduct in Ontario

Chair: Justice Joan Lax (Superior Court of Justice)

Speakers: Caterina Galati (Counsel, Professional Development and Competence
Law Society of Upper Canada)

Andrea Waltman (Counsel, Professional Development and Competence,
Law Society of Upper Canada)

Cettina Cornish, (Counsel, Professional Development and Competence,
Law Society of Upper Canada)

Thursday, February 12, 2004

10:00 am to 12:00 noon Ethical Touchstones and Criminal Law

Chair: Professor Kent Roach (Faculty of Law, University of Toronto)

Speakers: Justice Michel Proulx (Québec Court of Appeal)

Marie Henein (Criminal Trial and Appellate Counsel, Henein and
Associate)

John McMahon (Director of Crown Operations-Toronto Region)

1:30 pm to 3:30 pm Ethical Touchstones and Corporate Law

Chair: Professor Doug Harris (Faculty of Law, University of Toronto)

Speakers: Phillip Anisman, (Corporate and Securities Counsel)

James Turner (Partner, Torys LLP.)

Susan Wolburgh-Jenah (General Counsel and Director, International
Affairs, Ontario Securities Commission)

3:30 to 4:00 pm Wrap up

MATERIALS

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Christopher Moore, *The Law Society of Upper Canada* (Toronto: University of Toronto Press) pp. 1-8

Deborah Rhode, "The Advocate's Role in the Adversary System" in *In The Interests of Justice: Reforming the Legal Profession* (Oxford: Oxford University Press, 2000)pp.9-26

Robert Gordon, "A Profession in Paralysis" (2002) 54 Stanford Law Review 1427;pp. 27-38

Harry W. Arthurs, "Lawyering in Canada in the 21st Century" (1996) 15 Windsor Yearbook of Access to Justice 202pp. 39-50

Justice Rosalie Abella, "Professionalism Revisited" (Opening Address, Benchers' Retreat, October 14, 1999);pp. 51-61

Roger Cramton, "The Last Class: Living a Good Life as a Lawyer" (2000) Cornell Law Forum;pp. 62-66

Ethical Challenges in a Diverse Profession

Deborah MacNair, "The Role of the Federal Public Sector Lawyer: From Polyester to Silk" (2001) 50 UNB LJ 125;pp. 67-87

Adam Dodek, "Canadian Legal Ethics: A Subject in Search of Scholarship" (2000) 50 University of Toronto Law Journal 115;pp. 88-97

Gavin MacKenzie, "The Valentine's Card in the Operating Room: Codes of Ethics and the Failing Ideals of the Legal Profession" (1996) 34 Alberta L. Rev.;pp. 98-105

Geoffrey C. Hazard Jr., "Is There an American "Legal Profession" (2002) 54 Stanford L. Rev. 1463;pp. 106-111

Gavin MacKenzie, *Lawyers and Ethics* (Toronto: Carswell, 1998), ch. 7;
.....pp. 112-116

Lawyers' Responsibility to Clients & Access to Justice

R. v. Neil 2002 SCC 70;pp. 117-130

Gavin MacKenzie, *Lawyers and Ethics* (Toronto: Carswell, 1998), ch. 4;
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Alan Hutchinson, "An Alternative Vision: A Contextual and Pragmatic Approach" in
Legal Ethics and Professional Responsibility (Toronto: Irwin, 1999);
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Edward L. Greenspan and George Jonas, *Greenspan: The Case for the Defence* (Toronto:
MacMillan), ch. 15;pp. 154-159

Alan Dershowitz, "Defending the Offensive: Judging Who Deserves Representation is
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Ronald Goldfarb, "Guilt by Association: Lawyers Should be Judged by the Clients they
Keep" (Washington Post, 1997);pp. 163-164

Lawyer's Responsibility to Society

Justice J.C. Major, "Lawyer's Obligation to Provide Legal Services" (1995) 32 *Alberta L.
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Tanina Rostain, "Colloquium: What Does it Mean to Practice Law 'In the Interests of
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70 *Fordham L. Rev.* 1811;pp. 171-182

Reed Elizabeth Loder, "Tending the Generous Heart: Mandatory Pro Bono and Moral
Development" (2001) 14 *Georgetown J. of Legal Ethics* 459;
.....pp. 183-208

Rob Atkinson, "Historical Perspectives on Pro Bono Lawyering: A Social-Democratic
Critique of Pro Bono Publico Representation of the Poor: The Good as the Enemy of the
Best" (2001) 9 *American University J. of Gender, Social Policy & Law* 129;
.....pp. 209-247

Sharon Dolovich, "Colloquium: 'What Does it Mean to Practice Law 'In the Interests of
Justice' in the Twenty-First Century? Lawyering and the Possibility of Integrity" (2002)
70 *Fordham L. Rev.* 1629;pp. 248-301

The Rules of Professional Conduct

For this session, please bring the Law Society's Rules of Professional Conduct, which for most of you was included in your Legal Process course supplement – it is also available from the Law Society's website at www.lsuc.on.ca

Focus on rules: 1.02; 2.01; 2.02; 2.03; 2.04; 2.09; 4.06(1); 6.01; 6.09; 6.11.

Ethical Touchstones & Criminal Law

Problems: Incriminating Physical Evidence;.....pp. 302-304

Kent Roach, "Smoking Guns: Beyond the Murray Case" (2000) 43 C.L.Q. 409;
.....pp.305-306

Justice Michel Proulx and David Layton, *Ethics and Canadian Criminal Law* (Toronto: Irwin, 2001), ch. 9;pp. 307-331

Ethical Touchstones & Corporate Law

Lawyers as Gatekeepers

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In the Matter of the Securities Act and Lawrence D. Wilder, Settlement Agreement – May 24, 2002; pp. 351-356

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Mark Sargent, *Lawyers in the Perfect Storm* – October 2003
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